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PATENT

Docket No. SAIC0055-C-CIP1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re the U.S. Application of:

Victor V. VERBINSKI, et al.

Group Art Unit: 2878

Serial No.: 09/925,009

Examiner: Albert J. Gagliardi

Filed: August 9, 2001

For: DENSITY DETECTION USING REAL TIME DISCRETE PHOTON  
COUNTING FOR FAST MOVING TARGETS

**PETITION UNDER 37 C.F.R. §1.705 FOR RECONSIDERATION OF PATENT TERM  
ADJUSTMENT**

U.S. Patent and Trademark Office  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

The undersigned hereby petitions under 37 C.F.R. §1.705 for reconsideration of the patent term adjustment for the above matter.

On August 11, 2005, a Notice of Allowance ("NOA") was received in our office for Serial No. 09/925,009. The NOA indicated a patent term adjustment of "0" days. Upon reviewing the record for this matter (downloaded from private PAIR), we found that the period of time from the filing date of the application (August 9, 2001) to the issuance of a first action (see 37 C.F.R. §702(a)1)) had not been counted against the PTO. The first action for this application should have been issued by October 9, 2002 (14 months from the filing date). The first action was mailed on April 1, 2003, 19 months and 23 days after the filing of the application. The period of time from October 10, 2002 through April 1, 2003 (174 days)

should be counted against the PTO. When you add this amount of time (174) days to that which the PTO has already considered a delay on their part (73 days), you have a total of 247 days. Deduct from that time the time counted against the applicant (87 days), you have a balance of 160 days to be added to the end of the patent term.

Since this application was filed on August 9, 2001, it qualifies for the provisions for patent term adjustment (see 37 C.F.R. §702(f) – the provisions apply only to those applications filed on or after May 29, 2000).

The undersigned respectfully requests early consideration and granting of this petition so that the correct patent term adjustment for this application may be properly reflected.


Credit Card Payment Form PTO-2038 in the amount of \$200.00 is enclosed to cover the petition fee as required by 37 C.F.R. §1.18(e).

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 501458. A duplicate copy of this correspondence is enclosed for that purpose.

Respectfully submitted,

DATE:

2/12/05

  
George T. Marcou  
Registration No. 33,014

KILPATRICK STOCKTON LLP  
607 14<sup>th</sup> Street, N.W., Suite 900  
Washington, D.C. 20005  
(202) 508-5800